

AN ORDINANCE**AMENDING**

City Code Sections 4-4-2-040 through 4-4-30-020 so as to revise title/department designations, termination of employees under certain conditions, recent revisions to the Family Medical Leave Act, revisions to the pay and classification plan, revisions to the employee evaluation process and miscellaneous language and administrative changes. And amending City Code Chapters 4-8 and 4-12 so as to revise title/department designations for the Human Resources Department.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA:

Section 1: That Chapters 4-4- Personnel Rules and Regulations, 4-8 Civil Service Rules and Regulations, and 4-12 Insurance and Retirement of the Code of Ordinances of the City of Marietta be modified as follows:

All references pertaining to the position of personnel director shall be changed to human resources director. All references pertaining to the personnel department shall be changed to read human resources department.

Section 2: That Section 4-4-6-060 of the Code of Ordinances of the City of Marietta be modified to read as follows:

The human resources department will complete the processing of required documents and provide a general orientation to city/BLW employment and benefit programs on the first day of employment. All new employees will receive a current copy of the personnel rules and regulations at the orientation session. The hiring department is responsible for providing specific job and safety training and orientation within the first month of employment.

(Code 1978, § 4-1026; Ord. No. 5575, 6/12/96; Ord. No. 7024, 3/15/2007, § 9

Section 3: That Section 4-4-6-070, Paragraphs B, C and E of the Code of Ordinances of the City of Marietta be modified to read as follows:

[Paragraph A remains the same.]

B. The length of the working test period is dependent upon the nature of the work required. Sworn or certified employees of the police and fire departments will serve an initial working test period of one (1) year. All other employees have a six (6) month working test period. Regular appointment status may be granted at the end of the working test period if the employee receives

a rating of "meets standards" on his working test period evaluation and with approval by the department head.

C. The human resources director may, upon request of the department head, extend the duration of the working test. An extension to the initial working test period shall be no greater than an additional three (3) months for all classifications.

[Paragraph D remains the same.]

E. Moving or other incidental expenses paid to or on behalf of a new occupant of any city/BLW position shall be reimbursed to the city/BLW upon voluntary or involuntary resignation or dismissal from employment with the city/BLW during the initial working test period.

(Code 1978, § 4-1027; Ord. No. 5139, 3/10/93, § 8; Ord. No. 5377, 11/9/94; Ord. No. 5575, 6/12/96; Ord. No. 7024, 3/15/2007, § 10)

Section 4: That Section 4-4-6-080, Paragraph A of the Code of Ordinances of the City of Marietta be modified to read as follows:

A. Changes in classification as a result of a promotion, demotion or lateral transfer will also require a working test period. Sworn or certified employees of the police and fire departments will serve an initial working test period of one (1) year. All other employees have a six (6) month working test period. Transferred, promoted or demoted employees who have satisfactorily completed an initial working test period and who have attained regular appointment status shall have grievance, appeal and hearing rights.

[Paragraph B remains the same.]

(Code 1978, Sec. 4-1028; Ord. No. 5575, 6/12/96; Ord. No. 7024, 3/15/2007, § 11)

Section 5: That Section 4-4-8-020, Paragraph A and C of the Code of Ordinances of the City of Marietta be modified to read as follows:

A. In the event that a reduction in force becomes necessary, the city manager will make known to council the causes necessitating the reduction in force and the positions and order identified. Involuntary separation not related to an employee's conduct or performance when necessary to alter the composition and size of the work force, including the option to relieve employees from duty because of lack of work, funds, or for other reasons within the discretion of the city/BLW. Layoff and reductions in force will be addressed as required by State and Federal law.

[Paragraph B remains the same.]

C. Employees on layoff or reduction in force notice are encouraged to apply for vacant positions in other areas unaffected by such actions. If qualified for the vacant position, employees on layoff or RIF notice will be given priority in hiring for the position.

1. Order of Layoff or Reduction in Force.

a. Should it become necessary to reduce the number of employees within a given class, the following order shall pertain:

- (1) Temporary or seasonal employees;
- (2) Working test part-time employees;
- (3) Working test full-time employees;
- (4) Regular employees.

b. Layoff or reduction in force decisions will be based on consideration of the value of employees to the city in terms of operating requirements, the qualifications and performance of individuals to be determined by the last three years of performance appraisals and length of service with the city.

c. All regular employees who are to be laid off or are to be a part of a reduction in force shall be notified in writing at least 14 calendar days prior to the effective date of the layoff or RIF.

d. Whenever a layoff or RIF becomes necessary, the effected department head shall notify the human resources department of the names and job titles of the employees and the order of reduction to be considered. The human resources director will consider submissions by departments for a reduction in force based on the established criteria defined above and recommend the employees and order to the city manager.

2. Recall.

a. Regular laid off employees or those regular employees who were a part of a reduction in force shall be afforded one opportunity of recall for employment. Such former employees may be recalled to the classification and department from which they were laid off, in the reverse order in which they were laid off. Such former employees shall have precedence for recall to their classification over new applicants for a period of one year. Such recalled employees shall have their tenure of service restored with appropriate adjustments made for time on layoff or RIF. If reemployment occurs after one year, the employee shall be treated as a new employee.

b. Such former employees shall be notified of their recall opportunity by certified mail. If such individuals do not respond to or accept the recall opportunity within seven calendar days of receipt of the recall notification, the recall opportunity will be withdrawn and any and all obligation for rehire will be expunged.

c. Employees who were serving a working test or who were part-time, temporary or seasonal when the layoff or reduction in force occurred do not have recall rights.

(Code 1978, § 4-1042; Ord. No. 5575, 6/12/96)

Section 6: That Section 4-4-8-050 of Ordinances of the City of Marietta be modified to read as follows:

For all employees, except those employees in 1) formal apprenticeship programs hired, promoted, or transferred into such programs on or after July 1, 2007, or 2) appointed or contract positions or 3) the position classification and pay category of executives department heads who are hired or promoted into such a position after February 9, 1994, dismissals shall constitute involuntary separation from employment or termination for cause. For employees participating in a formal apprenticeship program, appointed or contract positions or department heads hired after February 9, 1994, dismissals shall constitute involuntary separation from employment or termination with or without cause. However, any police chief and fire chief are exempted from these provisions and will be hired and may be terminated in compliance with the City Charter Section 4-12.1.

(Code 1978, § 4-1046; Ord. No. 5262, 2/9/94; Ord. No. 5575, 6/12/96; Ord. No. 7024, 3/15/2007, § 13; Ord. No. 7061, 6/13/2007, § 3)

Section 7: That Section 4-4-16-090 Paragraph A, i.e., of Ordinances of the City of Marietta be modified to read as follows:

The provisions of this section are regulated by the Family and Medical Leave Act of 1993 (P.L. 103-3) and pertinent Department of Labor regulations as they may be promulgated. The city/BLW specifically reserves the right to add to, change or abolish the provisions of this section, in whole or in part, based upon pertinent action by any appropriate legislative, judicial or regulatory authority.

A. Eligibility and Reasons Granted. The provisions of this section apply only to those employees who have been employed for at least 12 months (such 12 months of employment does not have to be consecutive) and who have provided at least 1,250 hours of service during the 12 months before any leave is requested. In determining the hours worked, paid leave, such as vacation, sick or compensatory leave is not included.

The city manager or a department head will grant up to a total of 12 workweeks of Family and Medical Leave Act (hereinafter FMLA) leave to any eligible employee during any 12-month period for one or more of the reasons listed below. The 12-month period for purposes of this section shall be measured forward from the date any employee's first FMLA leave begins. However, employees are required to first use any accrued vacation, sick, holiday or compensatory leave for all or any part of this 12-week period. When paid accrued an employee in lieu of unpaid FMLA leave uses leave, the city/BLW will only provide sufficient unpaid leave to total 12 work weeks in the designated 12-month period of time.

1. Reasons.

a. Birth of a child and to care for that child if requested within one year after birth of the child. Employees are required to give at least 30 days notice for a request for this reason and specify the amount of time requested. If, due to

unforeseeable circumstances, some adjustment must be made to the requested leave, employees are required to provide the city/BLW with reasonable notice of such adjustment. Failure to comply with this notice requirement may be grounds for postponement of the requested leave.

b. Placement for adoption or foster care of a child if requested within one year after placement of the child. Employees are required to give at least 30 days notice for a request for this reason and specify the amount of time requested. If, due to unforeseeable circumstances, notice is not able to be given within the 30-day time period, employees are required to provide reasonable notice within two business days of learning of the need for leave. Failure to comply with this notice requirement may be grounds for postponement of the requested leave.

c. Serious personal health condition making the employee unable to perform the essential functions of his job. Employees are required to give notice as soon as practicable after the need for FMLA leave becomes known to the employee, and specify the amount of time requested.

d. Care for a parent, spouse, or child with a serious health condition. A qualifying child must be under 18 years of age, or if older, incapable of self care because of a mental or physical disability. Employees are required to give notice as soon as practicable after the need for FMLA leave becomes known to the employee, and specify the amount of time requested. For purposes of this policy, a parent includes only a biological parent or an individual who stands or stood in loco parentis to the employee when the employee was a child. Parents-in-law are not included. For purposes of this policy, child includes biological children, adopted children, foster children, step children, legal wards or a child of an employee standing in loco parentis and the child is either under age 18 or age 18 or older and incapable of self care because of a mental or physical disability. For purposes of this policy, spouse means a husband or wife as defined or recognized under state law for purposes of marriage in the state where the employee resides, including common law marriage in states where it is recognized. Domestic partners are not eligible for the provisions of this section. This section does not authorize leave for care of any other relatives or for any other individuals who may be a part of an employee's household.

e. Military Family Leave: The National Authorization Act for FY 2008 amended the FMLA to provide eligible employees working for the city/BLW additional leave rights related to military service.

1. Eligible employees are entitled to up to 12 weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of contingency operation.

2. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. The military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to combined total of 26 weeks of all types of FMLA leave.

[Paragraphs A. 2., B, C, and D remain the same.]

Section 8: That Section 4-4-20-030 Paragraph D of the Code of Ordinances of the City of Marietta be modified to read as follows:

[Paragraphs A, B, and C remain the same.]

D. Supervisory staff has the right and responsibility to correct employee behavior by recommending disciplinary action. The department head and/or their designee, subject to the appeal rights of regular employees, shall have the following alternatives for taking disciplinary action, again depending upon the severity and/or frequency of the incident or like occurrences:

1. Verbal Reprimand. An employee may be called in for private counseling by his supervisor, division manager or department head regarding unacceptable behavioral patterns or work performance standards. The department head or designee should record the giving of such verbal reprimand by documenting on a notice of counseling form which shall indicate the date of the counseling session, subject matter, and remedial action to be taken and timeframe, if any. The employee should, but is not required to acknowledge receipt of the notice of counseling form by their signature. Signing of the notice of counseling form does not indicate agreement with the action taken and failure to sign does not negate the disciplinary action. The notice of counseling is a departmental record and does not need to be sent to the human resources department unless it is to support subsequent disciplinary action(s). Verbal reprimands can be neither grieved nor appealed.
2. Written Reprimand. A written reprimand may be given to an employee by his department head or specified designee when:
 - a. A verbal reprimand has not resulted in the desired improvement; or
 - b. When the initial actions required greater discipline than a verbal warning.

An employee should, but is not required to, acknowledge receipt of all written disciplinary actions by their signature. Signing of the disciplinary action form does not indicate agreement with the action taken and failure to sign does not negate the disciplinary action. A copy of notice of written reprimand shall be filed in the employee's personnel file in the human resources department. All supporting documentation should

be attached to the disciplinary action form. Written reprimands can be neither grieved nor appealed. However, the employee has the right to: a) discuss the written reprimand with the department head or specified designee and/or b) submit a written statement to be attached to the written reprimand and with any copy of such reprimand.

3. **Suspension Without Pay.** Prior to a final decision regarding a suspension without pay, a regular status employee (who has successfully completed his work test period) will be given a hearing before the department head. Written notice of that hearing will be submitted to the employee by the department head or their designee at least 24 hours before the time of the hearing. Notice shall be hand delivered to the employee or personally delivered to the employee's home, leaving it with the employee or with a person of suitable age and discretion residing therein. If the employee cannot, after due diligence, be located, notice shall be sent by regular and certified mail, return receipt requested. The notice will specifically state the alleged grounds for which the suspension without pay is being considered, including a summary of the incident(s) from which the proposed disciplinary action arose. The employee will then have an opportunity at the hearing to explain, rebut or otherwise respond to the information upon which the proposed action is being taken.

A department head may suspend an employee without pay for up to 56 hours for fire personnel and 40 hours for all other personnel. A department head may suspend an employee without pay for periods exceeding 56 hours for fire personnel and 40 hours for all other personnel up to a maximum of 112 hours for fire personnel and 80 hours for all other personnel after informing the city manager and human resources director of the proposed disciplinary action. Failure to inform the city manager and human resources director shall not invalidate such disciplinary action.

4. **Administrative Leave With Pay.** During the investigation, hearing, or trial of an employee on a criminal charge or during the course of a civil action involving an employee, when allowing the employee to continue to perform his regular duties would be, in the opinion of the department head and the human resources director, detrimental to the city's legitimate interests, the department head may authorize administrative leave with pay of the employee for the duration of the proceedings as a non-disciplinary action. The department head may also authorize administrative leave with pay for non-disciplinary reasons pending investigation by the city of a suspected disciplinary infraction.

5. **Demotion.** Prior to a final decision to demote an employee, a regular status employee (who has successfully completed his work test period) will be given a hearing before the department head. Written notice of that hearing will be submitted to the employee by the department head or their designee at least 24 hours before the time of the hearing. Notice shall be hand delivered to the employee or personally delivered to the employee's home, leaving it with the employee or with a person of suitable age and discretion residing therein. If the employee cannot, after due diligence, be located, notice shall be sent by regular and certified mail, return receipt requested. The notice will specifically state the alleged grounds for which the demotion is being considered, including a summary of the

incident(s) from which the proposed disciplinary action arose. The employee will then have an opportunity at the hearing to explain, rebut or otherwise respond to the information upon which the proposed action is being taken.

An employee who is unsatisfactory in his present position may be demoted for disciplinary reasons if, in the opinion of his department head or specified designee, he shows reasonable promise of becoming a satisfactory employee in another position. An employee who is demoted for disciplinary reasons shall be relieved of his present duties and responsibilities and assigned new duties and responsibilities which are less difficult and demanding and which will provide the employee a lower salary. This option is only available if a lower level authorized position is vacant or is created by the authorization of the city manager to downgrade an authorized position.

6. Transfers that involve no reduction in salary or benefits do not constitute a demotion and can neither be grieved nor appealed, even if the transfer involves a change of duties, responsibilities and authority.

7. Dismissal.

a. A department head may dismiss an employee for cause after informing the city manager and human resources director of the proposed disciplinary action. Failure to inform the city manager and human resources director shall not invalidate the dismissal. The human resources director shall serve as expert advisor to the department head regarding all dismissal actions. Prior to a final decision regarding dismissal, a regular status employee (who has successfully completed his work test period) will be given a hearing before the department head. Written notice of that hearing will be submitted to the employee by the department head or their designee at least 24 hours before the time of the hearing. Notice shall be hand delivered to the employee or personally delivered to the employee's home, leaving it with the employee or with a person of suitable age and discretion residing therein. If the employee cannot, after due diligence, be located, notice shall be sent by regular and certified mail, return receipt requested. The notice will specifically state the alleged grounds for which termination is being considered, including a summary of the incident(s) from which the proposed dismissal action arose. The employee will then have an opportunity at the hearing to explain, rebut or otherwise respond to the information upon which the proposed action is being taken.

b. If discharge action is taken subsequent to the departmental hearing, the employee shall be furnished notice of the discharge in writing stating the reasons and his rights to appeal the dismissal, if applicable. The notice and attachments become a permanent record unless modified by appeal action.

c. Employees classified, as department heads who are employed in that capacity after February 9, 1994 are at-will employees of the city/BLW. However, any police chief and fire chief are exempted from these provisions and will be hired and may be terminated in compliance with the City Charter Section 4-12-1. Any

other such department head may be discharged at any time within the discretion of the city manager, with or without cause. Prior to discharging a department head without cause or for cause deemed by the city manager to be beyond the department heads control as defined below, the city manager shall advise the city council in executive session of this intent; provided, that his omission to do so shall not affect the effectiveness of the discharge.

d. Upon his discharge, a department head hired after February 9, 1994, may be eligible for severance benefits as follows: (1) severance pay equal to an amount up to four times his most recent gross weekly salary, the amount of which is dependent upon whether or not such executive finds other employment within four weeks after the effective date of the discharge; and (2) continued participation in the city/BLW health insurance program at full pre-discharge levels at the expense of the city/BLW for a period up to four weeks from the date of separation, or until covered by another health insurance program, whichever occurs first. To qualify for these severance benefits, an otherwise eligible executive, as defined below, shall, in writing and in a form approved by the city attorney, release the city/BLW and its elected and appointed officials, officers and employees in both their official capacity and personally, from any and all claims relating to his employment or the termination thereof, and shall likewise relinquish rights to a grievance/appeal hearing as provided herein.

e. Only a department head hired after February 9, 1994, is eligible for the above described severance benefits if and only if he is discharged without cause or for cause deemed by the city manager within his discretion to be beyond the department head's control (for example--reductions in force; elimination of a department; inability to perform job requirements at acceptable levels despite consistent demonstrable attempts to do so, etc.). Additionally, an eligible department head, upon being notified by the city manager that discharge is imminent, may choose instead to resign his employment voluntarily without loss of eligibility for severance benefits. A department head hired after February 9, 1994, who is discharged for cause as set forth in subparagraphs 1 through 24 of Section 4-4-20-040 of this chapter or other provisions of these rules and regulations or for any cause deemed by the city manager within his discretion to be contrary to the interests of the city/BLW shall not be eligible for severance benefits.

[Paragraphs E, and F remain the same.]

Section 9: That Section 4-4-20-040 Paragraph C of the Code of Ordinances of the City of Marietta be modified to read as follows:

[Paragraphs A and B remain the same.]

C. Abuse of any leave policy including vacation, sick, compensatory, military, holiday or leave of absence without pay.

[Paragraphs C through Z remain the same.]

Section 10: That Section 4-4-20-060 Paragraph A of the Code of Ordinances of the City of Marietta be modified to read as follows:

A. Any regular employee, except an employee classified as a department head who was hired after February 9, 1994, who has received disciplinary action after successfully completing his initial work test period shall have the right to appeal such action as provided in the applicable provisions of the grievance and appeals policy. However, any police chief and fire chief are exempted from these provisions and will be hired and may be terminated in compliance with the City Charter Section 4-12.1.

[Paragraph B remains the same.]

Section 11: That Section 4-4-22-030 Paragraph A and B of the Code of Ordinances of the City of Marietta be modified to read as follows:

A. Regular Employees Department Heads Hired Prior to February 9, 1994.

1. If a grievance arises from the action of an official higher than the immediate supervisor, the grievance may be initiated at Step 2 or 3, as appropriate. At no time will an employee bypass a supervisor and/or department head that were involved in the grieved or appealed action.
2. The human resources director shall serve as advisor of all parties involved of the correct procedural handling of each particular grievance/appeal including the determination of whether an issue is grievable.
3. Employees are free to seek legal counsel at their expense at any time. However, the employee may be represented by counsel at Step 3 only and such representation is limited to opening and closing statements and written documentation supporting their client's case. Otherwise, employees are required to speak for themselves. It is the intent of this provision to encourage discussion between employees and supervisory staff on matters of mutual concern.
4. If a grievance/appeal meeting or hearing is held during the normal work hours of any required participant, such participant shall be excused without loss of pay for that purpose. Attendance at grievance/appeal meetings or hearings held outside of normal work hours for any participant shall not be deemed as time worked.
5. Failure to initiate a grievance/appeal within the time limit shall be deemed a waiver of the grievance/appeal. Failure at any step of this procedure to submit a grievance/appeal to the next step within the specified time limit shall be deemed to be acceptance of the decision at that step.

6. Failure at any step of this procedure to communicate the decision on a grievance/appeal within the specified time limit shall permit the employee to proceed to the next step as set forth in the preceding paragraph.
7. Failure of the employee to cooperate, participate and meet as needed will result in dismissal of the grievance/appeal.
8. The time limits of the procedure may be extended by the human resources director due to illness, vacations, business travel or other legitimate reasons. If an extension is required, involved all parties will be notified.
9. This procedure is the only formal process to handle employee complaints. At no time shall an employee approach the mayor or any council member or BLW board member to resolve a grievance or appeal.
10. The entire written portion of an employee's grievance/appeal and disposition at any level shall be kept in a separate file in the human resources department, under the jurisdiction of the human resources director, and will not be placed in any other file whatsoever.
11. Any employee who resigns from city/BLW shall be deemed to have waived the right to initiate or to process a grievance or appeal.

B. Department Heads Hired After February 9, 1994. Department heads hired after February 9, 1994, do not have the right to administrative appeal, grievance procedures or hearing rights. A post-employment name-clearing hearing for such department heads may be conducted at the discretion of the city manager. However, any police chief and fire chief are exempted from these provisions and will be hired and may be terminated in compliance with the City Charter Section 4-12.1.

1. Step 1: Division Level.

- a. An employee who feels he has a valid reason for complaint should complete the city/BLW grievance/appeal form and submit the completed and signed form to his direct supervisor and/or division manager with a copy to the human resources director within seven calendar days following the incident that gave rise to the complaint. If the grievance is related to ongoing working conditions such as harassment or discrimination, the employee may file a written grievance at any time.
- b. In filing a complaint, the employee should specifically state what action is being grieved or appealed; provide a description of the incident from the employee's perspective including persons involved, dates, time and relevant facts; specific provision(s) of the personnel rules and regulations that the incident

pertains to; a statement as to why the employee feels the grievance or appeal is justified; state the remedy sought by defining the action the employee believes should be taken if the grievance or appeal is upheld.

c. The supervisor and/or division manager shall meet with the employee to discuss the grievance/appeal and communicate a decision in writing to the employee within seven calendar days following receipt of the grievance/appeal. A copy of the division manager's decision shall be sent to the department head and the human resources department.

2. Step 2: Department Level. If the grievance is not resolved at Step 1, the employee may submit the grievance form to his department head, with a copy to the human resources director within seven calendar days after receipt of the decision at Step 1. The department head shall meet with the employee to discuss the grievance and communicate a decision in writing to the employee within seven calendar days following receipt of the written grievance. A copy of the department head's decision shall be sent to the human resources department.

3. Step 3: City Manager Level.

a. This step is the final level of grievance review and/or appeal for all employees who do not report directly to the city manager. If the grievance is not resolved at Step 2, within seven calendar days of receipt of the department head's decision, the employee may submit the grievance with all supporting documents including copies of decisions rendered at Steps 1 and 2 to the city manager.

b. The city manager will conduct, or designate an impartial individual to conduct either:

(1) a separate investigation of the grievance to discuss the complaint with the grievant, including a meeting accompanied by his representative if the employee desires representation; or

(2) a hearing, if the grievance/appeal concerns an adverse action as defined in Section 4-4-20-020. If necessary, the city manager or his designee will conduct a hearing on the grieved or appealed issue at which all-appropriate witnesses and supporting information shall be heard. The hearing shall be recorded. The grievant or appellant may, if he so desires, obtain a copy of the recording at his own expense. The evidentiary portion of this hearing shall be open to the press and public; however, the deliberation of the findings shall occur in closed session. After the city manager or his designee has heard from all involved parties, he will close the meeting.

After consideration of written materials and testimony given at the hearing, if the city manager has designated a hearing officer, such hearing officer will issue a recommendation to the city manager. The grievant/appellant and appropriate department head will receive copies of the hearing officer's recommendation.

The city manager shall communicate a decision in writing to the employee and to the representative, if any, within 30 days following receipt of the written grievance or following the meeting or hearing or following receipt of the recommended decision, whichever is later. Such decision shall be final.

[Paragraphs C, D, and E remain the same.]

Section 12: That Article 4-4-24 of the Code of Ordinances of the City of Marietta be modified to read as follows:

ARTICLE 4-4-24 PAY AND CLASSIFICATION PLAN

4-4-24-010 Purpose.

A. It is the policy of the city/BLW to establish and maintain a fair and equitable pay and classification system for all employees covered by these rules and regulations. The pay and classification plan, which is directly related to position classification, is the basis of compensation for employees and is designed to attempt to reflect:

1. Relative difficulty and responsibility between jobs.
2. Competitive rates of pay for similar types of work in public and private employment in the labor market where the city/BLW recruits for employees.
3. Economic conditions of the job market area.
4. Economic conditions of and funds available to the city/BLW.
5. Financial policies of the city.
6. Other business and operational considerations.

The pay & classification plan is the official and approved system of grouping positions into appropriate pay grades and provides guidelines for administration.

B. The pay and classification plan is the foundation upon which all major phases of the personnel program are constructed and should be used as follows:

1. A guide in recruiting and evaluating candidates for employment.
2. To determine lines of promotions and developing an employee training program.
3. To determine the salary range for each position.
4. To provide uniform pay information which is understood by City officials, employees and the general public.
5. To assist in maintaining and revising organizational structure, clarifying lines of authority and affixing responsibility.

(Code 1978, § 4-1151; Ord. No. 5575, 6/12/96)

4-4-24-020 Content.

A "position" is a set of assigned tasks, duties, and responsibilities requiring full-or part-time employment of one person. A position may be occupied or vacant. Each position will be assigned a classification and an appropriate pay range. Classifications and pay ranges shall be listed in the city pay and classification plan.

Position descriptions are descriptive statements about every position in the organization. The position description contains a position/classification title, specific duties and responsibilities of that position, training and experience requirements and other descriptive information defining the position.

A classification title is the official designation or name given to the written description of a position and shall be used on all official and personnel records.

The plan shall establish a salary range for every classification in the city/BLW. Such salary ranges shall be determined with due regard to ranges of pay for other classes, relative difficulty and responsibility of positions in the class, availability of employees in particular occupational categories, prevailing rates of pay for similar employment in the city, rates of pay in other governmental jurisdictions, cost of living factors, the financial policies of the city, and other economic considerations.

4-4-24-030 Administration.

A. Responsibility for Administration of the Pay and Classification Plan: The human resources director shall be responsible for administering the pay and classification plan on a fair and equitable basis and shall be responsible for interpreting the application of the plan regarding compensation concerns not specifically covered by these guidelines. The human resources director shall make or cause to have made such comparative studies as he deems necessary of the factors affecting the level of salary ranges prior to the preparation of the annual budget as well as at other times. On the basis of information derived from such studies, the city manager shall recommend to the city commission such changes in salary ranges as he deems necessary to maintain the fairness and adequacy of the overall salary structure. The human resources director may request other officials and/or employees to assist in this process.

Human resources shall be responsible for developing and maintaining position descriptions, revision of existing position descriptions, and the abolishment of position descriptions that are no longer needed.

B. Maintenance of the Plan. Should the duties and responsibilities of a position change, the official position description may be amended. All proposed amendments are to be evaluated by the human resources department to determine if revision to the position description needs to be made or a change in classification is warranted. The review and analysis of the updated duties and responsibilities may result in one of these actions:

1. A determination that no change is necessary.
2. The position is properly classified, but the duties have changed sufficiently to warrant revising the position description, and in some cases, the descriptions for closely related classifications.
3. The position may merit reclassification to a currently established higher or lower level classification, which requires a change in the assigned pay grade and/or job title.
4. The position merits reclassification to a new classification which requires the official establishment of position description.
5. The reallocation of a position to another classification may result in the abolition of the classification and the subsequent removal of the position description from the pay and classification plan.

The review and analysis of duties and responsibilities may also result in a change in the position's exemption status as may be required by the regulations of the FLSA.

C. Position Review.

1. Each time a vacancy occurs, the position shall be reviewed by the department head to determine whether the position has changed. If so, then the department head will submit the altered functions to the human resources department for an evaluation to determine if the changed responsibilities impact the classification of the position. If the department revisions are minor and do not impact the classification of the position, the position description will be revised prior to posting and advertising of the vacant position. If the department revisions to the vacant position indicate major changes to the essential duties and responsibilities of that position, the department head should make a reclassification request during the normal budget schedule unless the city manager specifically authorizes a reclassification review within the fiscal year.
2. The human resources department may review and make recommendations to revise the pay and classification plan during the annual budget process or as when needed during the budget year with approval of the city manager and council.

3. Requests for position classification or reclassification may be initiated by a department head or an incumbent employee during the budget process when it is believed that a significant change in the duties of a particular position has occurred. Requests should be submitted on a position description questionnaire (PDQ) signed by the employee, their immediate supervisor and department head. Human resources shall be responsible for reviewing all reclassification requests and completing necessary job audits to determine appropriate classification. If a suitable classification does not exist, human resources shall recommend the establishment of a new classification for inclusion in the pay and classification plan.
4. The city manager may authorize a review of the pay and classification plan by an independent consultant.

Any recommended classification or exemption status changes that are approved by the city council shall become effective when approved or as otherwise designated by council.

- D. Position Control. All positions in the city/BLW are established and maintained through a personnel budget each fiscal year in accordance with established budgeting and accounting procedures. The establishment of new or additional positions or upward reclassification of approved positions will require approval by the city council. Downward reclassification and lateral changes of approved positions will require the approval of the city manager.
- E. [Change in Exemption Status.] Any change in exemption status will require approval of the city manager and city council.

(Code 1978, § 4-1153; Ord. No. 5575, 6/12/96; Ord. No. 5856, 6/10/98, § 1; Ord. No. 6705, 8/11/2004, §§ 2--4; Ord. No. 7043, 5/9/2007, § 3)

4-4-24-040 Appeals.

- A. An employee shall have the right to appeal changes to his position classification or lack thereof and/or exemption status. Any employee who feels that the job description describing their position or exemption status was improperly or inadequately evaluated will submit an appeal to review his position description and/or exemption status. Any request to appeal a decision regarding reclassification of a position or exemption status under the provisions of the Fair Labor Standards Act shall include a completed position description questionnaire, (PDQ), indicating the changes in duties and responsibilities since the original request that is signed by the employee, the employee's immediate supervisor and department director.
- B. The employee should submit the completed PDQ to his immediate supervisor/manager. The supervisor/manager shall review the information provided by the employee in the PDQ, complete the information requested in the PDQ from the supervisor and shall forward the document to his department head. The department head shall review the information provided by

the employee and supervisor, sign the PDQ and forward the questionnaire to the human resources department. All documentation sent to the human resources department will be copied to the employee.

C. The human resources director and/or his designee will meet with the employee, the department head and such other persons as may be necessary to clarify the required duties and responsibilities of the position(s). A job audit of the position(s) based on observation of tasks performed may be conducted at the job site(s).

D. After the information is collected on the position, the human resources director and/or his designee shall review the assignment of the job classification and /or exemption status and reassess the evaluation. The human resources director shall make a recommendation to the city manager for final action on the appeal.

E. At each stage, the employee shall be kept advised of the status of the appeal. The process up to the human resources director level shall be completed within six calendar weeks, but may be extended by the human resources director for reasons of business necessity. At all levels, an attempt should be made to expeditiously resolve the employee's question either through correction in the employee's responsibilities, a correction in the evaluation results, or education of the employee on how the system works and the reasoning behind the decisions reached.

F. Under no circumstances will any appeal be accepted for review at any level on the basis of pay. This is a management decision based on assessment of the employee's actual position duties and responsibilities.

G. The effective date of any action, which impacts the employee's pay, shall be the date of the final decision. Any additional funding, position upgrade, or exemption status change deemed necessary as a result of the reclassification appeal is subject to the approval by the city council.

(Code 1978, § 4-1155; Ord. No. 5575, 6/12/96; Ord. No. 6705, 8/11/2004, § 6; Ord. No. 7043, 5/9/2007, § 5)

4-4-24-050 Pay Schedules

Formal pay schedules will be developed and shall include position classification titles, pay grades/ranges, FLSA exemption status, EEOC job category and position numbers for purposes of payroll. Proposed pay schedules may be accepted, modified, or rejected by council. Council-approved schedules shall be available to all employees and shall be used by management in setting individual employee pay under the following guidelines.

4-4-24-060 Original Appointment

Salary rates for original appointments to the city/BLW shall normally be within the first quartile of the pay grade designated for the class. When the City is unable to recruit qualified applicants or when an applicant possesses exceptional qualifications warranting employment above the first quartile, the department head may request authorization to hire up to the mid-point for technical

and professional positions with approval by the human resources director. Newly appointed or promoted department heads may be compensated at any rate within the approved pay grade for the position as approved by the city manager so long as the salary does not exceed the maximum of the assigned pay grade.

Appointments of candidates into a formal apprenticeship program or into a specific career development program, such as apprentice electrical line worker or line worker position, will be compensated according to the line worker pay plan provisions specific to those programs as adopted annually by the city council.

The human resources director may authorize the hire of temporary employees at a rate of pay less than the minimum of the classification. Temporary employees on the city/BLW payroll shall be paid only for actual hours worked.

4-4-24-070 Trainee Status

Positions designated as trainee positions may be filled on a temporary basis, at a rate below the minimum salary of the pay grade. Pay rates shall be determined by the length of the training program so that, upon acquisition of required training and experience, the incumbent may be placed at the minimum salary in the pay grade.

4-4-24-080 Promotional Appointment

The movement of an employee from a position in one class to a different position in a class in a higher pay range shall be considered a promotion. Promotional appointments shall be made at not less than 5% nor more than 10% (without the express written consent of the city manager) above the amount received by the employee at the time of promotion, provided that the salary granted shall not be below the minimum or above the maximum of the assigned pay grade. All promotional appointments and salary increases shall be made upon the recommendation of the department head and the human resources director, subject to the approval of the city manager.

4-4-24-90 Demotion

Demotion is defined as the assignment of an employee from a position in one classification to a position in another classification assigned to a lower pay grade.

When an employee requests a voluntarily demotion he will normally be placed in the newly assigned pay grade for the lower position at a five percent (5%) reduction in his previous pay. However, if it is determined to be in the best interest of the city/BLW, he may be paid at a rate that is within the approved range for the lower level position that does not exceed the employee's pay in his previous position or the employee may be "red-lined" so that the employee's salary is frozen until the salary falls within the specified range of the newly assigned pay grade with approval by the city manager. If the employee is "red-lined" they shall not be entitled to any base salary increase until the schedule is adjusted to include his salary.

If an employee accepts an involuntary demotion, the department director may recommend an appropriate rate of pay in the pay grade to which the employee has been assigned. However, the newly assigned rate of pay will be at least five percent lower than his previous rate.

An employee promoted to a supervisory position shall receive an increase which will provide a base salary at least five percent greater than the base salaries of the employees directly supervised and such salary shall be no less than the salary of any other employee promoted to the same classification in the same department in the 12-month period retroactive from the effective date of the latest promotion. The supervisory pay differential is only valid at the time of promotion and is not adjusted if the five percent interval decreases due to any adjustment in the pay of the highest paid employee directly supervised or if another higher paid employee is subsequently transferred to a supervisor's crew or work unit. Promoted employees shall serve a working test period the duration of which is determined by the position occupied. The working test period in the promoted position may be extended, with the approval of the human resources director, a maximum of an additional three-month period. Upon successful completion of the promotional working test period, the employee will be granted regular status in the new position. There is no increase at the end of the promotional working test period.

"Employees supervised" in the paragraph above for police and fire non-civilian personnel promoted to supervisory positions will, for the purposes of this section, be defined as follows: Non-civilian police and fire personnel participating in the police education compensation program or fire paramedic/training compensation program who are promoted to any supervisory rank will be paid a minimum of five percent greater than the base salaries of the employees supervised who participate in the police education compensation program or fire paramedic/training compensation program respectively. Non-civilian police and fire personnel who do not participate in the police education compensation program or fire paramedic/training program who are promoted to any supervisory rank will be paid a minimum of five percent greater than the base salaries of the employees supervised who do not participate in the police education compensation program or fire paramedic/training compensation program respectively.

4-4-24-100 Lateral Transfers.

An employee who is transferred to a different position with the same salary grade as his current position shall continue at his current pay rate.

(Code 1978, § 4-1186; Ord. No. 5575, 6/12/96)

4-4-24-110 Reclassifications.

When an employee's position is reclassified to a lower grade and his salary is above the maximum of the lower grade, the employee shall be "red-lined" or permitted to continue at the rate of pay at the time of reclassification during the period of his incumbency, but shall not be entitled to any base salary increase until the schedule is adjusted to include his salary.

When an employee's position is approved by council to be reclassified to a higher pay grade, the incumbent will be placed in the newly assigned pay grade at their prior salary unless that salary

is below the minimum of the newly assigned pay grade. If the employee's prior salary is below the newly assigned pay grade minimum, the employee will be placed at the minimum of the assigned pay grade.

4-4-24-120 Compensation Policies and Procedures

A. Overtime: The city/BLW will comply with the requirements as outlined in the Fair Labor Standards Act, as amended, and the U.S. Department of Labor's regulations pertaining thereto.

1. The city will utilize a partial exemption from the overtime pay requirements of Section 7(k) of the FLSA for fire protection and law enforcement personnel as defined in the FLSA, as amended. Firefighters have a work cycle of 21 days. Police officers have a work cycle of seven days.

In the event any firefighter remains on duty after the expiration of his regularly scheduled shift due to a bona fide emergency situation, as determined by the fire chief, such firefighter shall be compensated at the overtime rate, regardless of whether such additional work places the employee in an overtime situation based on the defined work period as described above.

2. The list of exempt and non-exempt positions will be a part of the pay and classification plans established for each budget year.
In accordance with the Fair Labor Standards Act, as amended, employees who are classified as exempt are paid a fixed salary for each payroll period. Therefore, exempt employees who have absences of less than one day, after authorized leave balances have been exhausted, will not have their salary reduced for such absence. This provision is effective retroactive to April 15, 1986.
3. An exempt employee's disciplinary suspension without pay (in increments of a full day) for serious workplace misconduct does not impugn such employee's exempt or salaried status. Examples of such serious misconduct includes, but is not limited to: sexual harassment, violence in the workplace or threats thereof, drug or alcohol violations, safety violations of major significance, violation of federal and state laws, or other conduct which may be deemed a threat to the safety and well-being of persons (employees, citizens or customers), property or the organization.
4. The completion of time cards provides documentation and justification of salary expense of public employees as well as the use of authorized leave programs. Therefore, the completion of time cards to note the use of the city/BLW authorized leave programs, or other indicators of the use of public employees' time does not controvert an employee's exempt or salaried status.
5. Department heads may require employees to receive compensatory time, instead of overtime pay, at a rate of one and one-half times the number of hours worked in excess of 40 hours for general employees, 56 hours for firefighters and 43 hours for police

officers. Firefighters will receive overtime pay for the hours worked in excess of 159, but less than 169 hours in a three-week work cycle.

6. General employees eligible for overtime compensation may accumulate a maximum of 240 compensatory hours. Police and firefighting personnel may accumulate a maximum of 480 compensatory hours. Employees who are eligible for overtime compensation who have attained the maximum compensatory time shall be paid overtime pay for all hours worked in excess of their standard work- week. Department heads or their designees may require nonexempt employees to utilize their accruals of compensatory time prior to other leave programs except if such requirement will result in an employee forfeiting an equivalent accrual balance in those leave programs within the next three months of such requirement of the employee to use compensatory time.
7. All employees who are eligible for overtime compensation shall be paid all accumulated balances of compensatory time upon termination of employment.
8. Exempt personnel including, department heads, administrative and managerial employees who are authorized in writing to work more hours than the standard work period established for their position may accumulate compensatory time at the rate of one times the number of hours worked in excess of their standard workweek. There will be a maximum accumulation of 120 hours at any time during a calendar year. All compensatory time earned in any calendar year must either be utilized by March 31 of the following calendar year or forfeited. Any compensatory time balances attributed to exempt personnel as of September 29, 1990, may be retained. If an exempt employee terminates their service with the city, any remaining balance of compensatory time earned prior to September 30, 1990, and certified as correct by the employee's supervisor and the human resources director shall be paid upon termination. No compensatory time earned on or after September 30, 1990, will be paid to exempt personnel at any time including, but not limited to termination of employment or upon forfeiture. The completion of time cards to include compensatory time accruals and usage provides documentation and justification of salary expense of public employees. Therefore, the completion of time cards to note the use of the city/BLW authorized leave programs including compensatory time, or other indicators of the use of public employees' time does not controvert an employee's exempt or salaried status.
9. Improper FLSA deductions prohibited. The City/BLW prohibits improper pay deductions as outlined in the FLSA, as amended and the pertinent regulations thereto. The mechanism for employees to make a complaint regarding their exemption status is described in City Code Section 4-4-24-050. Employees are to utilize City Code Section 4-4-22 for all other wage and hour complaints. Should the city/BLW be determined to have made an improper pay deduction, the employee will be reimbursed the amount of such deduction in the first pay period following such determination. The city/BLW will abide by any new or revised process or determination in order to comply with the FLSA in the future following any correction of an inadvertent improper pay deduction.

(Code 1978, § 4-1189; Ord. No. 4952, 9/11/91, § 1; Ord. No. 5575, 6/12/96; Ord. No. 5781, 12/17/97, § 1; Ord. No. 6705, 8/11/2004, §§ 7--11)

C. Emergency Call-Out Pay:

1. If an employee, who is eligible for overtime, is officially ordered to and does report for duty of an unscheduled nature, he shall be compensated for a minimum of two and one-half hours at one and one-half times the regular rate of pay. Half an hour of the two and one-half hour minimum callback compensation is for travel time for an employee who is called back on the job and who does not have a city vehicle at his home in which to respond to the call. In the event that the employee does have a city vehicle at his home in which to respond to the call, then such employee shall only be entitled to a minimum of two hours' call-back compensation at one and one-half times the regular rate of pay.
2. For the purpose of this policy, an employee shall be credited with hours worked from the time the employee is notified by the dispatcher until the work is completed and the employee is no longer restricted from using their time for their own pursuits. It is required that the employee report promptly to the required job site. The employee's regularly defined workday, as established by individual departments, shall be used to define a 24-hour work period in determining callback pay. Before returning home from an emergency call-out, the employee is required to check with the dispatcher for other calls and if none, notify the dispatcher that he is going off duty or other appropriate status.
3. Non-emergency Call-Out Pay. If an employee, who is eligible for overtime, is required to and does report back to work at a pre-designated time, he will receive a minimum of one hour credited to their work period.

(Code 1978, § 4-1190; Ord. No. 5575, 6/12/96)

C. Merit Increases:

1. An employee's job performance shall be evaluated annually on the anniversary of their most recent hire date. If the council has approved an annual merit increase in the current budget, and the employee has received a rating of meets requirements or higher on their last annual evaluation, the employee will be eligible to receive the approved merit increase. Part-time employees, apprentice line workers, line workers, appointed employees, interns, and contractual employees are not eligible to receive merit increases pursuant to this section.
2. An employee who has reached the maximum of his pay grade, may not exceed the pay grade maximum.
3. Apprenticeship/Career Development Program, Appointed and Contract Employees. All appointed and contract employees will be reviewed annually as designated by the city

council and may be awarded a performance increase at the discretion of the city council. In consideration of participation in a formal apprenticeship or career development program, such employees will be reviewed at least once annually and may be granted increases in compensation as provided by those programs, if funded by the city council/BLW.

4. Merit increases are based upon the employee's performance as determined by their supervisor and department head on their annual evaluation. Employees may attach a response to their annual evaluation to be included in the personnel file, but annual evaluations may not be grieved past step two (2) of the city/BLW grievance procedure contained in section 2-2-22-030.

D. Service Award.

1. Employees who have completed at least five years of service with the city and who have received at least a satisfactory annual evaluation as determined by their department head are eligible for service bonus award. If the employee did not receive at least a satisfactory evaluation, the employee will not be eligible for the service bonus for that year. Eligibility will be restored upon the next satisfactory annual evaluation coincident with their employment anniversary date.
2. The amount of the service bonus will be apportioned by five-year increments up to a maximum of 25 years. The dollar amount allocated for each five-year increment of service by the employee will be determined as part of the pay plan approved annually by the city council.
3. All service bonus awards will be distributed in a block amount on the scheduled pay period immediately following the employee's employment anniversary date.

D. Working Out of Classification.

1. An employee who is designated by their department head as working out of classification will be compensated at five percent above their regular rate of pay for each day so designated. An employee must work out of class at least two full consecutive days or a 24-hour period for firefighters to be eligible for out of classification pay. Eligible employees will be compensated for each day worked out of their normal classification. No out of class pay will be paid to employees required to act in an equal or lower classification as determined by pay grade.
2. Employees who work out of classification for 30 days or more are to be compensated at the minimum rate of the assigned higher class or five percent above their regular rate of pay, whichever is greater. Employees designated as working out of class for periods greater than 90 days will be compensated at the mid-point of the assigned pay grade for that class or five percent above their actual salary, whichever is greater.

E. Required Court Appearance.

Employees required to testify or give a deposition on behalf of the city/BLW or because of conduct arising out of and in the course of employment with the city/BLW in response to a legally valid subpoena, shall be paid for all hours required in court, but will receive a minimum of two hours' credited to his regular work period if any court required appearances occur during the employee's off duty hours unless the required court appearance is immediately before or immediately after the employee's regular workday in which case such time will be added to the employee's actual hours worked for the pay period. Any witness or other fees that the employee receives for this service shall be endorsed and promptly transmitted by the employee to his department head for forwarding to the finance department.

(Code 1978, § 4-1193; Ord. No. 5575, 6/12/96)

G. Police Shift Differential Pay.

1. Police officers who work the hours of 3:00 p.m. to 11:00 p.m., will earn an additional \$.50 per hour for increased risks and hazards in their occupation.
2. Police officers who work the hours of 11:00 p.m. to 7:00 a.m. will earn an additional \$1.00 per hour for increased risks and hazards of their occupation.
3. A maximum of eight hours' shift differential pay may be earned in a 24-hour period.
4. Assignment to a shift shall not vest a police officer with a vested right to work a particular shift or to receive shift differential pay if reassigned to a different shift. This section may be modified or deleted at any time by the city council.

(Code 1978, § 4-1194; Ord. No. 5575, 6/12/96)

H. Standby Pay.

1. Employees placed on standby status are those directed to be available by telephone, pager, beeper, police radio or other means of communication so that they are available for and capable of reporting for work within a reasonable period of time. Department heads shall designate the positions and eligible employees for standby status as needed and in writing.
2. Employees who are on standby and fail to respond to a call for duty shall forfeit all standby pay for the assigned period and may be subject to disciplinary action.
3. Compensation for an employee serving standby duty will be at a rate of eight hours of pay at their regular rate for one week of standby duty served. Such hours shall be

paid at the normal rate of pay (straight time). Exempt employees will be compensated at the rate of eight hours' compensatory leave for one week of standby duty served. Standby time of less than seven days shall be credited on a proportionate basis.

4. In the event a non-exempt employee is called back to duty while on standby status, the employee shall receive compensation for actual hours worked at one and one-half times their normal rate of pay. If exempt personnel are called back to duty while on standby status, those individuals shall accrue compensatory time as provided in Section 4-4-28-090 of this article.
5. Police Department Restricted Standby for Court Compensation. Compensation for police department personnel regarding court attendance will be in accordance with the FLSA. The department will develop and update procedures as necessary to carry out this purpose.

(Code 1978, § 4-1195; Ord. No. 5475, 8/9/95; Ord. No. 5575, 6/12/96)

4-4-24-130 Definitions.

1. Trainee Rate or Wage. This rate is used in special circumstances approved by the department head and the human resources director for employees who do not meet the minimum qualifications for the position but have the potential to do so within a prescribed time period.
2. Minimum or Entry Rate Salary (Wage). The lowest amount of salary or wage rate assigned in each salary/wage range as approved by the city council. This is the normal hiring rate for new employees.
3. Maximum Rate Salary (Wage). The highest rate of pay in each range of the salary or wage classification system as approved by city council.
4. Pay Grade. The minimum and maximum range of pay assigned to a position classification. All positions within a pay grade, though they perform different functions, require the same level of difficulty in performance of those duties and responsibilities. A number of other terms may be used with the same meaning as pay grade including: salary range, pay levels, grades, etc.

Section 13: That Article 4-4-28 of the Code of Ordinances of the City of Marietta be modified to read as follows:

ARTICLE 4-4-28 EMPLOYEE EVALUATION

4-4-28-010 Purpose

Performance evaluation is considered a key element in the management of human resources. It is the process of identifying and communicating organizational requirements, then measuring and developing the employee's performance. The primary purpose of performance evaluation is to provide an opportunity for feedback. Performance evaluations may be used to facilitate management decisions regarding compensation, training and development. It is of the utmost importance that the performance evaluation system be consistent, job related, and based on clear and objective criteria.

1. A performance evaluation system should be formalized, standardized, objective and not biased against race, color, sex, religion, or national origin.
2. Performance measurements must be job-related and based on critical elements specific to the job.
3. Evaluators must be trained and have substantial daily contact with the employee evaluated.
4. Administration and scoring of the performance evaluation must be standardized and controlled.

4-4-28-020 Types of Evaluations

1. Annual Evaluations: Pursuant to 2-2-24-120 employees will be evaluated annually on the anniversary of their most recent hire date for purposes of determining eligibility for merit increases. If the employee receives a rating of satisfactory or higher on their last annual evaluation they will be eligible to receive any council approved merit increase. Merit increases do not apply to part-time employees, appointed employees, employees in the apprentice line worker and line work program, interns or contractual employees.
2. Working Test Period Evaluations: Employees are placed in a working test status upon hire by the city/BLW and when promoted, demoted or transferred. A working test period evaluation must be completed at the end of the employee's working test period indicating successful completion of that process. If an employee's working test period is extended, an additional evaluation will be completed prior to the employee being assigned regular status.
3. Other Evaluations: A performance evaluation may be performed when an employee's performance has substantially declined or in connection with a disciplinary action when approved in advance by the department head and human resources director.

4-4-28-030 Supervisory Responsibilities

An employee's supervisor is required to prepare an employee's evaluation then meet, review and discuss the evaluation with the employee. After the review, the employee should be asked to sign the evaluation to indicate that he has read and understood the evaluation and has had an opportunity to discuss any question he might have with his supervisor. The employee's signature

does not necessarily mean he agrees with the evaluation, just that he has had the opportunity to meet and discuss the evaluation with his supervisor.

Failure to complete an employee's evaluation timely or failure to responsibly communicate the contents of an evaluation to employees will result in lower evaluation scores on the supervisor's annual evaluation.

Section 14: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, phrases and words are severable, and if any section, paragraph, clause, phrase or word of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, clauses, phrases or words of this Ordinance.

Section 15: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

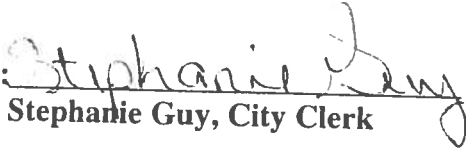
Section 16: This Ordinance shall become effective after the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

DATE: 06/11/08

APPROVED: _____


William B. Dunaway, Mayor

ATTEST: _____


Stephanie Guy, City Clerk

Approved as to Form: _____


Douglas R. Haynie, City Attorney